

# EXHIBIT 23

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

NETLIST, INC., ( CAUSE NO. 2:21-CV-463-JRG  
)  
Plaintiff, ( )  
vs. ( )  
SAMSUNG ELECTRONICS CO., LTD., ( )  
et al., ( ) MARSHALL, TEXAS  
( ) APRIL 19, 2023  
Defendants. ( ) 8:30 A.M.

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VOLUME 4

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TRIAL ON THE MERITS

BEFORE THE HONORABLE RODNEY GILSTRAP  
UNITED STATES CHIEF DISTRICT JUDGE  
and a jury

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1 MR. CORDELL: Thank you, Your Honor.

2 Samsung calls Doctor Robins, and his testimony will be  
3 presented by my partner, Mr. Colvin.

4 THE COURT: All right. If you'll come forward,  
5 Doctor Robins, and be sworn by the Courtroom Deputy.

6 (Whereupon, the oath was administered by the Clerk.)

7 THE COURT: You may go to the podium and prepare,  
8 Mr. Colvin.

9 You can leave your suitcase at the table.

10 (Whereupon, the oath was administered by the Clerk.)

11 THE COURT: Please have a seat on the witness stand,  
12 Doctor Robins.

13 THE WITNESS: Thank you, Your Honor.

14 THE COURT: If you'd like to pour yourself some  
15 water, please feel free to do so.

16 Let's distribute binders.

17 All right, Counsel. You may proceed with direct  
18 examination of the witness.

19 MR. COLVIN: Thank you, Your Honor.

20 GABRIEL ROBINS, Ph.D., SWORN,  
21 testified under oath as follows:

22 DIRECT EXAMINATION

23 BY MR. COLVIN:

24 Q. Good afternoon, Doctor Robins. Would you please  
25 introduce yourself to the jury?

1 Q. And, finally, let's return back to this claim language in  
2 the Court's construction. Summarize one more time for the  
3 jury your -- your conclusion here.

4 A. So, again, because these DRAM dies of the Samsung  
5 products contain lots of DRAM circuits and DRAM circuitry,  
6 according the Court's claim construction order, there's no  
7 infringement and there can't be infringement.

8 Q. So looking at the full '060 Patent, claim 1, you've got  
9 an X on the right. What does that signify?

10 A. That red X signifies that that claim element is not  
11 infringed by the Samsung products.

12 Q. And if we look at the '160 Patent, claim 1, how does your  
13 analysis for the '060 apply to this claim?

14 A. The analysis is the same simply because the claim  
15 language is so similar across these two asserted patents. So  
16 if one is not infringed, neither is the other because it also  
17 refers to array dies.

18 Q. Let's move to the next element that you analyze. Any  
19 particular part of this element that you're going to focus on,  
20 Doctor Robins?

21 A. Yes. In this element, I will focus on the not in  
22 electrical communication component of that element.

23 Q. So let's walk through this claim language so that you can  
24 explain it to the jury. On the left-hand side of the screen,  
25 what do we see, Doctor Robins?

1 A. We see on the left-hand side the claim 1 broken into  
2 several elements, and on the right we see an example of -- of  
3 this right out of the patent, the '060 and the '160.

4 Q. And what does the first part of this claim element  
5 require?

6 A. The first part requires a first die interconnect and a  
7 second die interconnect. So in this example figure, we see a  
8 green set of TSV and a blue TSV going from the bottom up the  
9 stack.

10 Q. And what's required of the first die interconnect in this  
11 claim element?

12 A. The first die interconnect connects to a first group of  
13 array dies. Here we depict them in yellow. So it's  
14 connecting to some array dies. And also it's required to not  
15 be in electrical communication with other array dies, and  
16 those are shown here in pink.

17 Q. What about the second die interconnect? What does the  
18 claim require with respect to that element?

19 A. The second die interconnect is kind of a symmetric  
20 opposite. It's got to connect to the second group of array  
21 dies, but it must not connect to the first group of array  
22 dies. So it must connect to the pink ones but not to the  
23 yellow ones. So it's the opposite of what the other one did.

24 Q. So let's take a look at this portion of this claim  
25 language that's not in electrical communication with the array

1 die. How would someone in the field understand that claim  
2 language, Doctor Robins?

3 A. Well, the notion of electrical communication is a broad  
4 concept involving the transmission of electricity. So not in  
5 electrical communication with array dies means that there is  
6 no transmission of an electrical signal to any circuitry on  
7 the die.

8 Q. So what's the take-away from your analysis of the claim  
9 language?

10 A. The take-away is the bottom line--that if the die  
11 interconnects connect to all the array dies, then there can't  
12 be infringement and there's no infringement.

13 Q. So with that understanding of the claim language, what's  
14 your opinion about if Samsung's HBM product meet these  
15 limitations?

16 A. The Samsung HBM product does not meet this limitations  
17 and therefore does not infringe, and I will explain why.

18 Q. What do we see on the right-hand side of the screen,  
19 Doctor Robins, in JTX 15?

20 A. We see there the so-called twist pattern where the two  
21 TSVs go up the stack in a twisting, meandering manner like we  
22 animate here in green and blue. Each one kind of crisscrosses  
23 all the different dies as it makes its way up the stack.

24 Q. And you put red Xs on the left-hand side of the screen.  
25 Explain to the jury what those signify.

1 A. The red Xs signify that the Samsung products do not  
2 infringe on this claim because the die interconnect is TSVs  
3 meandering up the stack are in electrical communication with  
4 each and every die on the stack. And that does not meet the  
5 requirement of the claim elements that says they are not in  
6 electrical communication with some group or another.

7 Q. Let's take a closer look at some of these structures.  
8 What are you showing the jury on this slide, Doctor Robins?

9 A. On this slide, we kind of do a zoomed-out or blown-up  
10 version of the bottom few dies of the stack showing the  
11 crisscrossing twist pattern.

12 Q. So in this blown-up version, we see red and blue diagonal  
13 lines now that I'm circling on the screen. Explain to the  
14 jury what those are.

15 A. Those are TSV interconnects that go across the die, and  
16 they connect each die to the next TSV that goes up to the next  
17 die and so forth in a left-right kind of meandering,  
18 zigzagging pattern as we saw earlier.

19 Q. And the diagonal red and blue lines, where are those  
20 lines located with respect to the die?

21 A. They're on the die. They're part of the die.

22 Q. At the bottom of this blown-up image, we see a channel A.  
23 Do you see that, Doctor Robins?

24 A. I see it.

25 Q. Explain to the jury what that is.

1 A. That's where the TSV starts at the buffer die, which is  
2 the blue die at the bottom, and this channel goes up and over  
3 and then zigzags back and forth across the stack of dies until  
4 it reaches the top.

5 Q. Is the channel A die interconnect in electrical  
6 communication with both of the core die shown here?

7 A. Yes, it is.

8 Q. Explain why you believe that.

9 A. Because it's connected to various circuitry on the die,  
10 including these horizontal paths that we see in blue and red,  
11 and also including the pads that we see in blue rectangle and  
12 green rectangle and so forth. So it's in connection with the  
13 various things on the die and, therefore, in connection with  
14 the die.

15 Q. Are you aware of other Samsung internal documentation  
16 that shows a different depiction of this twisting structure?

17 A. Yes. You can show this twist structure in several  
18 different ways.

19 MR. COLVIN: Your Honor, at this time we need to  
20 seal the courtroom for Samsung's confidential information.

21 THE COURT: All right. Based on counsel's request  
22 to protect confidential information, I'll order the courtroom  
23 sealed.

24 I'll direct all persons who are present and not subject  
25 to the protective order that's been entered in this case to